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PTO/SB/30 (09-03)

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Request
for
Continued Examination (RCE)
TransmittalAddress to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number 09/438,759

Filing Date November 11, 1999

First Named Inventor Gisela Meier

Art Unit 1641

Examiner Name Ann Lam

Attorney Docket Number 2368.098

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This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
- ii. ☒ Other Amendment D _____

- b. ☒ Enclosed

- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

- a. ☒ Deposit Account No. 16-0877

- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____

- b. ☒ Check in the amount of \$ 638.00 enclosed

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Evelyn A. DeFillo	Registration No. (Attorney/Agent)	45,630
Signature	<i>Evelyn A. DeFillo</i>	Date	12/22/03

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Bonnie L. Horst	Date	12-22-03
Signature	<i>Bonnie L. Horst</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Instruction Sheet for RCEs

(not to be submitted to the USPTO)

NOTES:

An RCE is not a new application, and filing an RCE will not result in an application being accorded a new filing date.

Filing Qualifications:

The application must be a utility or plant application filed on or after June 8, 1995. The application cannot be a provisional application, a utility or plant application filed before June 8, 1995, a design application, or a patent under reexamination. See 37 CFR 1.114(e).

Filing Requirements:

Prosecution in the application must be closed. Prosecution is closed if the application is under appeal, or the last Office action is a final action, a notice of allowance, or an action that otherwise closes prosecution in the application (e.g., an Office action under *Ex parte Quayle*). See 37 CFR 1.114(b).

A submission and a fee are required at the time the RCE is filed. If reply to an Office action under 35 U.S.C. 132 is outstanding (e.g., the application is under final rejection), the submission must meet the reply requirements of 37 CFR 1.111. If there is no outstanding Office action, the submission can be an information disclosure statement, an amendment, new arguments, or new evidence. See 37 CFR 1.114(c). The submission may be a previously filed amendment (e.g., an amendment after final rejection).

WARNINGS:

Request for Suspension of Action:

All RCE filing requirements must be met before suspension of action is granted. A request for a suspension of action under 37 CFR 1.103(c) does not satisfy the submission requirement and does not permit the filing of the required submission to be suspended.

Improper RCE will NOT toll Any Time Period:

Before Appeal - If the RCE is improper (e.g., prosecution in the application is not closed or the submission or fee has not been filed) and the application is not under appeal, the time period set forth in the last Office action will continue to run and the application will be abandoned after the statutory time period has expired if a reply to the Office action is not timely filed. No additional time will be given to correct the improper RCE.

Under Appeal - If the RCE is improper (e.g., the submission or the fee has not been filed) and the application is under appeal, the improper RCE is effective to withdraw the appeal. Withdrawal of the appeal results in the allowance or abandonment of the application depending on the status of the claims. If there are no allowed claims, the application is abandoned. If there is at least one allowed claim, the application will be passed to issue on the allowed claim(s). See MPEP 1215.01.

See MPEP 706.07(h) for further information on the RCE practice.



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Gisela **MEIER**, Heinrich **PAJUNK** and Horst **PAJUNK**

Appln. No.: **09/438,759**

Group Art Unit: **1641**

Filed: **November 11, 1999**

Examiner: **Lam, Ann Y**

For: **CONTINUOUSLY CONDUCTIVE UNIPOLAR CANNULA FOR ANESTHESIA**

Attorney Docket No.: **2368.098**

EXCESS CLAIM FEE PAYMENT LETTER

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Attached hereto is a **SUPPLEMENTAL AMENDMENT E** in the above-identified application. The fee has been calculated as shown below.

	After Amendment		Highest No. Previously Paid For			
All Claims	<u>15</u>	-	<u>14</u>	=	X \$ 9.00 =	\$ <u> </u>
Independent	<u>4</u>	-	<u>3</u>	=	1 X \$ 43.00 =	\$ <u>43.00</u>
					TOTAL	\$ 43.00

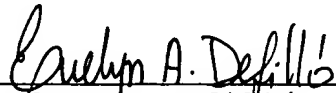
The appropriate fee of **\$43.00** is enclosed.

U.S. Application No. 09/438,759
EXCESS CLAIM FEE PAYMENT LETTER

ATTORNEY DOCKET NO.: 2368.098

Further, please charge any additional fees, except the Issue Fee,
necessary for the continued pendency of this application to Deposit
Account 16-0877.

Respectfully submitted,



Evelyn A. Defillo
Registration No. 45,630

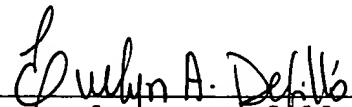
PENDORF & CUTLIFF
P.O. Box 20445
Tampa, Florida 33622-0445
(813) 886-6085

Date: **December 22, 2003**

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing EXCESS CLAIM FEE PAYMENT
LETTER for U.S. Application No. 09/438,759 filed November 11, 1999, was
deposited in first class U.S. mail, postage prepaid, addressed: Attn:
Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on
December 22, 2003.

The Commissioner is hereby authorized to charge any additional
fees, which may be required at any time during the prosecution of this
application without specific authorization, or credit any overpayment,
to Deposit Account No. 16-0877.



Evelyn A. Defillo